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8 Proposed Counsel for the Debtor

E-filed on November 14, 2011

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

CASE NO.: BK-N-11-52345-BTB

DOUBLE U LIVESTOCK, LLC.

Chapter 12

Debtor.

DECLARATION OF JIM WEST,
MANAGING MEMBER, IN
SUPPORT OF AMENDED
SCHEDULE F

Hearing Date: November 21, 2011
Hearing Time: 10:30 a.m.

I, Jim West, under pain and penalty of perjury, declare as follows:

1. I am and at all times material hereto have been the managing member of the Debtor, Double U Livestock, LLC. My wife and I are the parents of Clay and Wade West.
2. I signed the original Schedule F on file in this Case, listing my son Clay and his wife Mary as having an unsecured claim of \$820,000.
3. I so listed Clay and Mary West as unsecured creditors because my bankruptcy lawyer, John White, told me to list every possible matter that might, however remote, someday turn into a claim against the Debtor. He emphasized this several times.
4. I understood from this advice that I should put down Clay and Mary's excess equity interest in the Debtor as an unsecured claim. I was mistaken and have since directed my said attorney to amend Schedule F to delete Clay and Mary West as unsecured creditors.

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1 5. The reason Clay and Mary's interest is equity rather than debt follow:

- 2
- 3 a. The Debtor became a formal LLC in 1999 with my wife and I owning 50% and
- 4 each son and his wife owning 25%. Not long thereafter I contributed my interest
- 5 in such a manner that each family owned $\frac{1}{3}$ of the Debtor.
- 6
- 7 b. Over the years, all of us have invested substantial monies and time and effort in
- 8 the Debtor.
- 9
- 10 c. Since approximately 2000, Clay and Mary have invested approximately \$820,000
- 11 in the debtor. My wife Carlene and I have contributed more than that.
- 12
- 13 d. As Clay's father, to my mind, Clay is entitled to return of his investment in the
- 14 Double U before me.
- 15
- 16 e. For these reasons, I mistakenly instructed Mr. White to list Clay and Mary as
- 17 unsecured creditors when in fact they are owners only.
- 18
- 19 f. The contribution of Clay and Mary has never been carried as a debt on the
- 20 Debtor's books. Attached hereto as Exhibit A is a true and correct copy of the
- 21 work papers of the Debtor's long-time accountant, Jerry Moro, CPA, which show
- 22 this.
- 23
- 24 g. Though I recall no specifics, it is possible that when Double U has been cash-
- 25 poor, one or both of my sons, or their wives, purchased something for Double U,
- 26 or advanced monies to pay some debt of Double U, and, if so, Double U when
- 27 able may have repaid that advance. Nonetheless, Debtor has never paid any
- 28 amounts to me, my sons, or their wives in repayment of their investment in the
- debtor.
- h. If the Debtor is sold for sufficient funds, each of us, including Clay and Mary

1 will, after payment of debt, receive the return of the monies invested in the
2 Debtor after it became an LLC and, if sufficient monies remain, one-third of
3 the remaining monies will be distributed to each family. However, if Debtor
4 is sold for a sum which does not permit the full return of investments, the net
5 sales proceeds will be distributed pro-rata in relation to the amounts each family
6 invested after Double U became an LLC.
7

8 Dated November 14, 2011

9 ~~/s/ See Attached~~
10 Jim West
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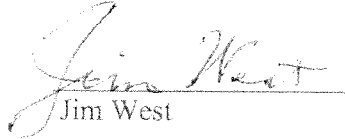
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10 Jim West
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CERTIFICATE OF SERVICE

I hereby certify that on Nov. 14, 2011, I served the foregoing document entitled Declaration of Jim West, Managing Member, in Support of Amended Schedule F, in the following manner:

☒ a. Via the Court's ECF System on November 14, 2011 to:

M. NELSON ENMARK

nenmark.trustee@gmail.com

Michael Lehnars on behalf of Creditor MARY WEST

micheallehnars@yahoo.com

KAARAN E. THOMAS on behalf of PETER AND RAMA PARIS FAMILY TRUST

kthomas@mcdonalddcarano.com, mmorton@mcdonalddcarano.com

AMY N. TIRRE on behalf of Creditor Tri-State Livestock Credit Corp

amy@amytirrelaw.com, admin@amytirrelaw.com

CHRISTOPHER JAIME on behalf of the Bank of Eastern Oregon at

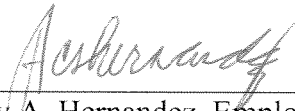
cjaime@mcclrenolaw.com

JOHN WHITE on behalf of debtor DOUBLE U LIVESTOCK, LLC

bankruptcy@whitelawchartered.com; john@whitelawchartered.com

The undersigned further affirms that the foregoing is true and correct to the best of my knowledge and that preceding document does not contain the Social Security number of any person.

Dated: November 14, 2011.


Mary A. Hernandez, Employee
White Law Chartered